

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Chapter 11
)
W.R. Grace & Co., et al.,) Case No. 01-01139 (JKF)
) (Jointly Administered)
)
Debtors.) **Objection Deadline: March 7, 2005**
) **Hearing Date: TBD only if necessary**

**FEE DETAIL FOR THE APPLICATION OF LUKINS & ANNIS, P.S., FOR
COMPENSATION FOR SERVICES AND REIMBURSEMENT OF
EXPENSES AS ZAI ADDITIONAL SPECIAL COUNSEL FOR THE INTERIM
PERIOD FROM OCTOBER 1, 2004 THROUGH OCTOBER 31, 2004**

TIME REPORT
 Lukins & Annis, P.S.
 Time Period 10/01/2004 - 10/31/2004

CATEGORY 20: TRAVEL-Non-Working

Date	Timekeeper Description	Hours	Hourly Rate	Total
10/17/04 DWS	Travel to Pittsburgh for Science Trial Hearing (billed at 1/2 rate).	8.00	\$ 202.50	\$ 1,620.00
10/19/04 DWS	DWS Return flight to Spokane from Science Trial Hearing (billed at half rate).	8.00	\$ 202.50	\$ 1,620.00
SUBTOTAL		16.00		\$ 3,240.00

CATEGORY 22: ZAI SCIENCE TRIAL

Date	Timekeeper Description	Hours	Hourly Rate	Total
10/04/04 DWS	Analyze Grace case management order pleadings and Court transcripts in preparation for motion to strike Kilpatrick motion (1.8); work regarding development of illustrative exhibits (2.6).	4.40	\$ 405.00	\$ 1,782.00
10/04/04 KLB	Preparation for science trial (1.5); research regarding Washington nuisance case and begin preparation of overview of excerpts of cases citing same (2.5).	4.00	\$ 165.00	\$ 660.00
10/05/04 DWS	Analyze updates to state CPA statutes and case law regarding legal issues pertinent to summary judgment briefing (3.0); review legal summaries by paralegal regarding science trial issues (1.1).	4.10	\$ 405.00	\$ 1,660.50
10/05/04 KLB	Zonolite Science Trial Preparation: continue work on review of case law and preparation of excerpts and overview of cases citing Washington nuisance (sanitarium) case (1.5); legal research regarding certain cases cited by Grace in informational brief (.5); begin review and summary of expert reports regarding airborne asbestos fibers (2.0); additional legal research regarding injury to property and begin review of case law (2.5).	6.50	\$ 165.00	\$ 1,072.50
10/06/04 DWS	Meeting with paralegal regarding preparation of exhibits for science trial (.5); phone call from co-counsel regarding science trial preparations (.3); continued review of hearing transcripts (1.8); review and preparation of regulatory materials pertinent to summary	4.50	\$ 405.00	\$ 1,822.50

Date	Timekeeper Description	Hours	Hourly Rate	Total
	judgment motion (1.9).			
10/06/04 KLB	Science Trial Preparation: work on database of Consumer Protection research (all states), including revisions to fields/forms in database and updates to legal analyses (2.5); office conference with partner regarding research needed for science trial hearings (.8); begin work on exemplar exhibit showing timeline of litigation events (1.2); legal research (review law reviews and case law) regarding Injury to Property and stigma damages (3.0); legal research regarding updates to consumer protection laws in key states (2.0).	9.50	\$ 165.00	\$ 1,567.50
10/07/04 DWS	Review legal summaries from paralegal regarding multiple science trial issues (1.0); review case law updates from paralegal regarding summary judgment issues in preparation for science trial (1.3); meeting with paralegal regarding summary judgment hearing exhibits (1.0).	3.30	\$ 405.00	\$ 1,336.50
10/07/04 KLB	Office conference with Legal Assistant regarding science trial preparation (.3); legal research regarding Washington Property Damage harms/injury (3.5); research and review Consumer Protection Act legal remedies for Washington (.7); research and shepardize Restatement of Torts 928 (1.5); legal research/review law review article regarding consumer protection issues (1.0).	7.00	\$ 165.00	\$ 1,155.00
10/08/04 DWS	Continued legal work regarding multistate CPA claims in preparation for summary judgment hearing (2.2); review factual updates from co-counsel regarding science trial (1.3); meeting with paralegal regarding preparation of science trial briefs (.6); conduct additional legal analysis regarding property damage harms non-CPA contexts (1.0).	5.10	\$ 405.00	\$ 2,065.50
10/08/04 KLB	Office conference with partner regarding illustrative exhibits and additional research needed in preparation for science trial (.5); review expansion plant information and work on illustrative exhibit regarding same (.8); review expert witness reports regarding admissions of ZAI containing/releasing asbestos (2.0); prepare summary of key legal issues/cases regarding Washington Real Property damages (1.2); review Washington Property Damage case regarding EIFS siding (.5);	8.50	\$ 165.00	\$ 1,402.50

Date	Timekeeper Description	Hours	Hourly Rate	Total
	continue legal research regarding real property harm (1.5); begin work on illustrative (PowerPoint) exhibits (2.0).			
10/09/04 KLB	Preparation for science trial: work on illustrative exhibits/PowerPoint Presentation (4.0); review recent Consumer Protection Action case law (2.0).	6.00	\$ 165.00	\$ 990.00
10/10/04 KLB	Preparation for Science Trial: Review expert witness reports and preparation of illustrative exhibit depicting quotes regarding ZAI containing and releasing asbestos (2.5); review state laws regarding CPA reliance and preparation of illustrative exhibit depicting states with reliance requirements (3.0); revisions to PowerPoint illustrative exhibits (1.5); continue review of CPA case law and treatises regarding exemplars of property damages awarded under consumer protection laws (2.0).	9.00	\$ 165.00	\$ 1,485.00
10/11/04 DWS	Continued preparation for hearing on summary judgment motions (5.3); review legal research regarding CPA causation, regulatory burden, and loss of use issues (3.0).	8.30	\$ 405.00	\$ 3,361.50
10/11/04 KLB	Science Trial Preparation: meet with partner regarding PowerPoint revisions and additional slides/exhibits needed (1.0); Begin research regarding states with seller disclosure laws (2.5); legal research regarding property damages/harm (2.0); review class proofs of claim and emails from/to co-counsel regarding same (.5); office conference with legal assistants regarding projects to prepare for science trial (.7); review and summary of key bankruptcy case (.8); revisions to PowerPoint presentation slides (2.5).	10.00	\$ 165.00	\$ 1,650.00
10/12/04 DWS	Draft multiple working briefs in preparation for science trial summary judgment motions (4.0); meeting with paralegal regarding power point presentations (1.0); review multiple legal summaries and transcript summaries in preparation for hearing (2.8).	7.80	\$ 405.00	\$ 3,159.00
10/12/04 KLB	Science Trial Preparation: Calls from co-counsel's office regarding exhibits needed and search for/provide same (.6); internet research and review information regarding location of expansion plants (.5); review and prepare	10.50	\$ 165.00	\$ 1,732.50

Date	Timekeeper Description	Hours	Hourly Rate	Total
	summary of exemplars of consumer protection property damage cases (e.g. siding cases, mold cases, paint cases, etc) (6.8); review and pull key quote from Washington consumer protection cases for PowerPoint slide (.6); creation of additional PowerPoint slides and revisions to existing slides (2.0).			
10/13/04 DWS	Final office preparation for science trial (7.2); meeting with litigation team regarding final preparations and logistics for science trial (1.0).	8.20	\$ 405.00	\$ 3,321.00
10/13/04 KLB	Science Trial Preparation: review exhibits before the Court and prepare summary of the evidence submitted regarding damages experienced by ZAI homeowners (3.8); prepare summary relating to positions of Grace employees Wood and Locke (.4); prepare CDs of briefing, case law, and exhibits for use at science trial (.8); continue work on PowerPoint slides and add slides regarding harm and aversion quotes (2.5).	7.50	\$ 165.00	\$ 1,237.50
10/14/04 KLB	Science Trial Preparation: Additional research regarding state disclosures laws and update to table regarding same (1.4); Preparation of additional PowerPoint slides, including case quotes and quotes from transcripts (2.4); compilation of additional materials and CDs of exhibits to federal express for science trial (1.0); telephone calls and preparation of materials to federal express to Expert Kilpatrick regarding remediation and estimation of homes with Zonolite (3.0).	7.80	\$ 165.00	\$ 1,287.00
10/15/04 DWS	Review case law updates in preparation for hearings on cross motions for summary judgment.	3.10	\$ 405.00	\$ 1,255.50
10/15/04 KLB	Science Trial Preparation: work on additional revisions to PowerPoint Presentation and creation of additional slides (asbestos regulations, homeowner quotes) (4.0); calls from partner regarding additional information needed for science trial (.3); review additional sales data and instructions regarding providing same to Expert Kilpatrick (.5); review Grace Claims Bar Date Notice materials and prepare summary of definition of Zonolite claims (1.5).	6.30	\$ 165.00	\$ 1,039.50
10/16/04 DWS	Prepare multiple briefs for oral argument of	7.90	\$ 405.00	\$ 3,199.50

Date	Timekeeper Description	Hours	Hourly Rate	Total
	Kilpatrick motion and summary judgment motion regarding CPA claims (6.6); review court transcripts, deposition transcripts, and briefing in preparation of final oral arguments (1.3).			
10/16/04 KLB	Science Trial Preparation: Calls and emails from and to partner regarding additional science trial preparation work needed (.5); review Grace 1970 memorandum regarding sales and prepare comparison relating to our numbers based on pounds produced (1.8); review law review article regarding environmental damage cases (.8); provide additional sales information to Expert Kilpatrick (.2); Additional updates and revisions to PowerPoint slides and download of same (1.7).	5.00	\$ 165.00	\$ 825.00
10/17/04 DWS	Preparation for science trial hearing (1.7); meeting with litigation team regarding same (.5).	2.20	\$ 405.00	\$ 891.00
10/17/04 KLB	Science Trial Preparation: Create additional PowerPoint slide regarding remodeling (.7); emails to and from partner regarding PowerPoint revisions (.3).	1.00	\$ 165.00	\$ 165.00
10/18/04 DWS	Meeting with litigation team in preparation for science trial hearing (1.5); attend science trial hearing (8.0).	9.50	\$ 405.00	\$ 3,847.50
10/18/04 KLB	Science Trial Preparation: Email from partner and additional revisions to PowerPoint slides (.3); Revision to State map exhibit (.2); calls from partner and co-counsel regarding providing of PowerPoint presentation for copying (.3); break down PowerPoint Presentation into emailable slides and pdfs and email same to co-counsel (1.0); telephone call from partner regarding hearing (.2)	2.00	\$ 165.00	\$ 330.00
SUBTOTAL				\$44,301.00
TIME TOTAL:				<u>185.00</u>
				<u>\$47,541.00</u>

COST REPORT
Lukins & Annis, P.S.

Time Period 10/01/2004 - 10/31/2004

<u>DATE</u>	<u>DESCRIPTION</u>	<u>CHARGE</u>
10/05/04	Photocopies	\$2.25
10/06/04	Long Distance Charges	\$0.24
10/06/04	Long Distance Charges	\$0.09
10/12/04	Long Distance Charges	\$0.09
10/12/04	Long Distance Charges	\$0.21
10/12/04	Long Distance Charges	\$0.03
10/13/04	Photocopies	\$0.45
10/14/04	Long Distance Charges	\$0.45
10/14/04	Long Distance Charges	\$0.27
10/14/04	Long Distance Charges	\$0.18
10/14/04	Long Distance Charges	\$0.87
10/14/04	Photocopies	\$3.60
10/15/04	Photocopies	\$2.70
10/15/04	Long Distance Charges	\$0.30
10/18/04	Travel agent fees for Plane Fare to Pittsburgh for 10/18/04 Hearing in Pittsburgh	\$25.00
10/18/04	Plane Fare for 10/18/04 Hearing in Pittsburgh	\$696.38
10/18/04	Cabfare for 10/18/04 Hearing in Pittsburgh	\$35.00
10/18/04	Meal for 10/18/04 Hearing in Pittsburgh	\$5.94
10/18/04	Lodging for 10/18/04 Hearing in Pittsburgh	\$1,410.53

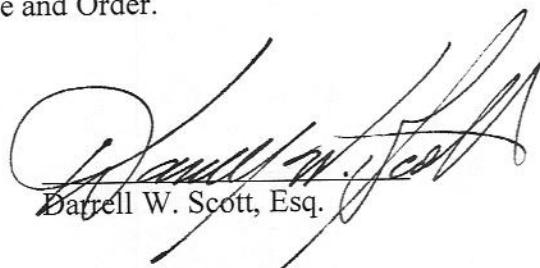
<u>DATE</u>	<u>DESCRIPTION</u>	<u>CHARGE</u>
10/18/04	Cabfare for 10/18/04 Hearing in Pittsburgh	\$35.00
10/18/04	Parking at Spokane Airport for 10/18/04 Hearing in Pittsburgh	\$17.50
10/19/04	Long Distance Charges	\$0.06
10/20/04	Photocopies	\$1.35
10/20/04	Long Distance Charges	\$3.60
10/20/04	Long Distance Charges	\$0.21
10/21/04	Long Distance Charges	\$1.56
10/21/04	Long Distance Charges	\$0.42
10/22/04	Long Distance Charges	\$0.57
10/26/04	Long Distance Charges	\$0.66
10/26/04	Long Distance Charges	\$0.09
10/27/04	Long Distance Charges	\$0.48
Total		\$2,246.08

VERIFICATION

STATE OF WASHINGTON)
)
COUNTY OF SPOKANE)

Darrell W. Scott, after being duly sworn according to law, deposes and says:

- a) I am counsel formerly with the applicant law firm Lukins & Annis, P.S. and have been admitted to appear before this Court.
- b) I have personally performed many of the legal services rendered by Lukins & Annis, P.S. and am thoroughly familiar with the other work performed on behalf of the ZAI Claimants by the lawyers and paraprofessionals of Lukins & Annis, P.S.
- c) I have reviewed the foregoing application and the facts set forth therein are true and correct to the best of my knowledge, information and belief. Moreover, I have reviewed Del.Bankr.LR 2016-2 and the 'Amended Administrative Order Under 11 U.S.C. §§ 105(a) and 331 Establishing Revised Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Official Committee Members', signed April 17, 2002, and submit that the Application substantially complies with such Rule and Order.



Darrell W. Scott, Esq.

SWORN AND SUBSCRIBED
Before me this 11th day of Feb., 2005.

Kristy L. Bergland
Notary Public for Washington
Residing at Spokane
My Commission Expires: 9/10/06

